

Article 13: Mission Beach Planned District

(*“Mission Beach Planned District” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.*)

Division 3: Zones and Subdistricts

(*“Zones and Subdistricts” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.*)

§1513.0301 Subdistricts of the Mission Beach Planned District

In order to regulate the location of dwellings, businesses, recreation areas and other specified uses, subdistricts of the Mission Beach Planned District are established. The boundaries of said subdistricts are designated on that certain Map Drawing No. C-637.1.

(*“Subdistricts of the Mission Beach Planned District” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.*)

§1513.0302 Residential Subdistricts — Northern and Southern — Definition and Intent

(a) The Residential Subdistricts are designated R-N and R-S. The purpose of the Residential Subdistrict is to regulate the small-scale and low-profile developed area with a maximum residential density of approximately 36 dwelling units per net residential acre.

(b) It is the intent of these regulations to allow the improvement or development of the standard Mission Beach lots with little or no need for variances.

(*“Residential Subdistricts — Northern and Southern — Definition and Intent” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.*)

§1513.0303 Permitted Uses – Residential Subdistricts

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

(a) Primary Uses

(1) Single dwelling units.

(2) Duplexes (2 dwelling units in a single structure).

- (3) Multiple dwelling units; restricted to a maximum of 4 dwelling units in any single structure including common wall construction on adjoining lots.
- (4) Parks and Playgrounds.
- (5) Off-premises parking lots for residential uses in accordance with the provisions of Land Development Code Section 142.0535 except that the parking lot shall be within a horizontal distance of 300 feet of the premises for which the off-street parking is located. Off-premises parking shall not be utilized in lieu of required on-premises parking.

(b) Accessory Uses

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses including the following:

- (1) Private garages, parking areas, and storage areas.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (3) Lodgers, permitted as follows:
 - (A) For a single dwelling unit which is the only dwelling unit on the premises, not more than 2 lodgers with each being provided a minimum of 100 square feet of bedroom area, and with more than one full bathroom facility within the dwelling unit.
 - (B) For duplexes and multiple dwelling units, not more than one lodger with a minimum of 100 square feet of bedroom area and with more than one full bathroom facility on the premises.

- (4) On-premise signs as defined by Section 1513.0404(a) On-premises Sign Regulations - Residential Subdistricts.

("Permitted Uses – Residential Subdistricts" added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0304 Property Development Regulations – Residential Subdistricts

(a) Density Regulations.

One dwelling unit shall be allowed, including lodging and boarding units, per 1,200 square feet of lot area; except that R-S lots of 2,000 square feet shall be

entitled to a maximum of 2 dwelling units if such lots are developed separately. Also, an R-N lot or lots totaling between 1,800 and 2,400 square feet shall be temporarily entitled to a maximum of 2 dwelling units, provided any building permit for 2 units on such lots must be applied for on or before June 30, 1985. Land Development Code Section 113.0222 shall not apply to any property regulated by the Mission Beach Planned District Ordinance.

(b) Minimum Lot Standards.

The minimum lot standards as shown in Table 1513-03A apply with the following exception. Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and Section 113.0237 and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

Table 1513-03A
Minimum Lot Standards

	R-N	R-S
Area	1,250 Square Ft.	2,400 Square Ft.
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

(c) Yards.

(1) Minimum Yards for Bayside and Ocean Front Walks.

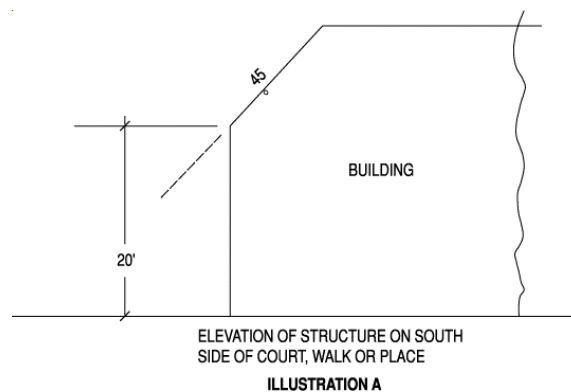
The minimum yards for Bayside and Ocean Front Walks shall be as follows:

- (A) R-N Subdistrict, Bayside Walk - 5 feet.
- (B) R-N Subdistrict, Ocean Front Walk - 7 feet for the first story and for additional stories above the first story; 3 feet for 50 percent of the lot fronting on the walk and 5 feet for the remaining 50 percent. Use of these varying setbacks shall fulfill requirements for vertical offset.
- (C) R-S Subdistrict, Bayside and Ocean Front Walks - 10 feet.

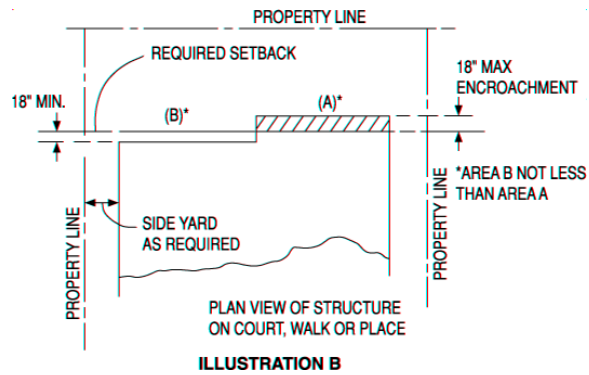
- (D) Exception. A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the R-S Subdistrict and 15 feet above grade in the R-N Subdistrict sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction (Illustration A).

(2) Minimum Yards for Courts and Places

- (A) Ten feet in the R-N Subdistrict and 15 feet in the R-S Subdistrict except for buildings exceeding 20 feet in height and on the south side of a Court or Place. In this case an additional setback shall be observed beginning 20 feet above grade and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction (Illustration A).



- (B) Buildings facing a Court, Place, Bayside or Ocean Front Walk shall not be wider than 25 feet in the R-N Subdistrict or 30 feet in the R-S Subdistrict, unless a vertical offset in the facade is provided. The vertical offset extending full height shall be a minimum of 3 feet in depth not less than 45 degrees for not less than 50 percent of the building. The following option is permitted when providing the required vertical offset. The building may encroach into the required yard a maximum of 18 inches for a width not more than one-half of the total building width. However, for all yard encroachment an equal area must be left vacant behind the required setback line adjacent to the Court, Place, or Walk. See Illustration B.



(3) Minimum Interior Yards

- (A) Three feet for structures whose facade is a maximum of 20 feet in height abutting the yard. Any portion of the structure's facade exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the plane of the facade at an angle of 45 degrees (Illustration A). Dormers shall be permitted to encroach into the 45 degree setback, provided that they shall be setback a minimum of 5 feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of 8 feet, and that there shall be a minimum of 2 feet between each dormer. When 2 lots are developed at the same time with common wall construction (combined total of units shall not exceed 4) or when 2 or more lots are consolidated, each opposite side yard shall be 6 feet or 10 percent of the total width of the lots whichever is greater.
- (B) Five feet for structures whose facade abutting the yard exceeds 20 feet in height.

(4) Minimum Yards on Streets and Alleys.

Yards abutting Strandway and Bayside Lane and alleys shall not be required.

(5) Mission Boulevard Yards.

Buildings abutting Mission Boulevard shall be set back a minimum of 3 feet or 10 percent of the lot's shortest property line intersecting Mission Boulevard, whichever is the greater. The maximum yard required need not exceed 7 feet.

(6) Minimum Rear Yards.

No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations in Section 1513.0304(c)(3) shall apply.

(d) Maximum Lot Coverage.

The maximum lot coverage shall be 65 percent.

(e) Floor Area Ratio.

(1) The basic maximum floor area ratio shall be 1.1.

(2) Portions of the building or structure used exclusively for required off-street parking shall not be included as part of the building area for the purposes of determining floor area ratio. This exemption is restricted to a maximum 200 square feet per required off-street parking space.

(3) Regardless of lot size, individual buildings, including common wall construction, shall not exceed 5,280 square feet in total gross floor area. However, those areas excluded by Section 1513.0304(e)(2) from the calculations of floor area ratio shall not be considered as part of the 5,280 square feet.

(f) Height. The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 N.S. is removed from Mission Beach, the building height limit shall be 35 feet.

(“Property Development Regulations – Residential Subdistricts” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0305 Commercial Subdistricts — Definition and Intent

The Neighborhood Commercial Subdistricts are designated NC-N or NC-S and the Visitor Commercial Subdistricts are designated VC-N and VC-S. The purpose of the Neighborhood Commercial is to provide adequate commercial services for the residents while the Visitor Commercial accommodates tourists, visitors and vacationers.

It is the intent of these regulations to provide development possibilities that will accommodate both commercial and mixed uses as well as compliment existing development and the surrounding residential areas.

(“Commercial Subdistricts — Definition and Intent” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0306 Permitted Uses – Commercial Subdistricts

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

(a) Primary Uses

- (1) Those primary uses and density set forth in Section 1513.0303 (Permitted Uses) and Section 1513.0304(a) (Density Regulations) except that residential uses shall not be permitted within the first story of any building on any lot abutting Mission Boulevard; and for lots exclusively developed residentially, that development is subject to all regulations of the abutting residential subdistrict.
- (2) Business Offices (not including hiring halls) provided, however, that business offices shall not be permitted within the first story of any building on any lot within the VC-N and VC-S Subdistricts and further provided that 50 percent of the ground floor area of the first story shall be reserved for those uses permitted in Section 1513.0306(a)(3).
- (3) Retailing of consumer convenience goods and dispensing of consumer services from the following establishments provided, however, that no premises shall contain drive-in or drive-thru facilities:
 - (A) Apparel shops
 - (B) Art stores
 - (C) Bakeries
 - (D) Barber shops
 - (E) Beauty shops
 - (F) Bicycle shops
 - (G) Book stores
 - (H) Curtain and drapery shops
 - (I) Drug stores

- (J) Dry cleaning and laundry establishments and agencies and self-service dry cleaning and laundry establishments
 - (K) Gyms, when equipped for physical fitness activities and athletic training programs
 - (L) Florists
 - (M) Food stores
 - (N) Hardware stores
 - (O) Hobby shops
 - (P) Jewelry stores
 - (Q) Liquor stores
 - (R) Nurseries – plants
 - (S) Paint and wallpaper stores
 - (T) Photographic studios
 - (U) Radio, television and home appliance repair shops
 - (V) Restaurants
 - (W) Shoe stores
 - (X) Shoe repair shops
 - (Y) Sporting goods including rental items
 - (Z) Stationers
 - (AA) Studios for teaching of art, dancing and music
 - (BB) Variety stores
 - (CC) Taverns and other similar places serving alcoholic beverages.
- (4) Schools and studios for academic, cultural (including the fine arts), technical, vocational, or professional instruction.

- (5) Motels and hotels in the VC Subdistrict only including:
 - (A) Housekeeping units -- guest rooms having separate access to the outside or to a hallway used in common with other guest rooms and having cooking facilities and used for combined living, dining and sleeping purposes.
 - (B) Related recreational facilities.
 - (C) Restaurants and bars with incidental entertainment and dancing.

(b) Accessory Uses

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses, including the following:

- (1) Private garages, parking areas and storage areas except access shall not be off Mission Boulevard.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (3) On-premises signs as permitted by Section 1513.0404(b) (On-Premises Sign Regulations - Commercial Subdistricts).

(“Permitted Uses – Commercial Subdistricts” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0307 Property Development Regulations – Commercial Subdistricts

- (a) Minimum Lot Standards. The minimum lot standards as shown in Table 1513-03B apply with the following exception: Any lot which qualifies under the definition of a lot as set forth in the Municipal Code and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

Table 1513-03B
Minimum Lot Standards

	NC-N, VC-N	NC-S, VC-S
Area	1,250 Square Feet	2,400 Square Feet
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

(b) Yards

(1) Minimum Interior Yards

(A) Three feet for structures whose facade is a maximum 20 feet in height abutting the yard. Any portion of the structure's facade height exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the vertical plane of at least 45 degrees. 5 feet for structures whose facade abutting the yard exceeds 20 feet in height. Dormers shall be permitted to encroach into the 45 degree setback, provided that they shall be setback a minimum of 5 feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of 8 feet, and that there shall be a minimum of 2 feet between each dormer. When 2 lots are developed at the same time with common wall construction (combined total of units shall not exceed 4) or when 2 or more lots are consolidated, each opposite side yard shall be 6 feet or 10 percent of the total width of the lots whichever is greater.

(B) A yard shall not be required for lots abutting Mission Boulevard, Ventura Place and West Mission Bay Drive.

(C) A yard, consistent with Section 1513.0307(b), shall be required along any portion of a lot line which abuts a property in a residential subdistrict.

(2) Minimum Yards on Streets and Alleys. Yards abutting Strandway and Bayside Lane and alleys shall not be required.

- (3) Minimum Yards on Bayside and Ocean Front Walks in NC-N, NC-S, VC-N and VC-S Subdistricts.
 - (A) The minimum yard for Bayside and Ocean Front Walks shall be as follows:
 - (i) NC-N and VC-N Subdistricts, Bayside Walk - 5 feet.
 - (ii) NC-N and VC-N Subdistricts, Ocean Front Walk - 7 feet for the first story and for any additional stories above the first story; 3 feet for 50 percent of the lot fronting on the walk and 5 feet for the remaining 50 percent.
 - (iii) NC-S and VC-S Subdistricts, Bayside and Ocean Front Walks - 10 feet.
 - (iv) Exception: A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the NC-S and VC-S Subdistricts and 15 feet above grade in the NC-N and VC-N Subdistricts sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.
- (4) Minimum Yards on Courts and Places in VC-N, VC-S, NC-N and NC-S. The minimum yard requirement shall be those set forth in Section 1513.0304(c)(2) (Minimum Yards for Courts and Places).
- (5) Minimum Yards on Mission Boulevard. None required except as required for planter boxes as set forth in Section 1513.0402(b) (Landscaping - Commercial Subdistricts).
- (c) Floor Area Ratio
 - (1) For lots developed exclusively for residential use in any Commercial Subdistrict, the floor area ratio provisions of Section 1513.0304(e) shall prevail.
 - (2) For lots exclusively developed with nonresidential development the following floor area ratios are applicable:
 - (A) The basic floor area ratio shall be 1.25.

- (B) The basic floor area ratio may be increased to 1.75 if one off-street parking space is provided for every 800 square feet of gross floor area.
- (3) For lots with mixed development with the first (or ground) story reserved for nonresidential activities (excluding parking and residential storage) and with the upper stories being designed for residential occupancy, the following floor area ratios are applicable:
 - (A) The basic floor area ratio shall be 1.25.
 - (B) The basic floor area ratio may be increased to 1.75 if 2.0 off-street parking spaces are provided for each dwelling unit.
- (4) For NS-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 sq. ft.
- (d) Height. The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 is removed from Mission Beach, the building height limit shall be 35 feet.
(“Property Development Regulations – Commercial Subdistricts” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)